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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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8   MARTINEZ AYTCH,   )
)   Case No. 2:14-cv-00139-GMN-CWH
9   Plaintiff,   )
)   **ORDER**
    vs.   )
10   )
    JAMES G. COX, *et al.*,   )
11   )
                    Defendants.   )
12 _____   )

13   This matter is before the Court on Plaintiff's Motion for Issuance of Summons (#14), filed

14   September 17, 2014.

15   Plaintiff filed his petition to proceed in this matter *in forma pauperis* on January 24, 2014. (#1).

16   On May 14, 2014, the Court entered its screening order holding that the complaint could proceed on all

17   claims. (#4). A ruling on the petition to proceed *in forma pauperis* was deferred and the case stayed

18   until after the parties were afforded an opportunity to resolve the matter through informal settlement

19   discussion. (#4). The parties were unable to resolve the matter during the period of the stay and, on

20   August 13, 2014, the Court entered an order granting Plaintiff's petition to proceed *in forma pauperis*.

21   As a result, Plaintiff is entitled to rely on the United States Marshal's office to serve the summons and

22   complaint. (#12); *see* Fed. R. Civ. P. 4(c)(3).

23   In its order (#12), the Court set forth several requirements, including: (1) that the Nevada

24   Attorney General's Office inform the Court of the names of the individuals for whom it accepts service,

25   the names of the individuals for whom it does not accept service, and filing the last known address for

26   those individuals for whom service cannot be accepted, and (2) Plaintiff was instructed to file a motion

27   specifying the full name and address for defendants for whom the Attorney General could not accept

28   service. (#12).

1   By way of this motion, Plaintiff identifies the full name and address of two individuals named in

2   the complaint for whom the Attorney General could not accept service: Marcy Agnes Boni and Rabbi

3   Joseph Elchonon. Plaintiff requests, as instructed, that the Court issue summons to these individuals.

4   The Court has reviewed the docket and motion and finds that the request is appropriate. Accordingly,

5   **IT IS HEREBY ORDERED** that Plaintiff's Motion for Issuance of Summons (#14) is

6   **granted**.

7   **IT IS FURTHER ORDERED** that the Clerk of Court shall issue Summons to the following:

8   Mary Agnes Boni
    5055 Offenhauser Dr
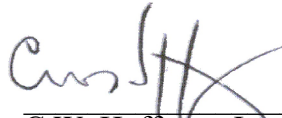9   Winnemucca, Nevada 89445

10   Rabbi Elchonon Joseph
     The Scroll K
11   Kashrus Consultant
     1350 Vrain Street
12   Denver, CO 80204

13   **IT IS FURTHER ORDERED** that The Clerk of the Court shall deliver a copy of the

14   Complaint and Summons to the U.S. Marshal for service. The Clerk shall also deliver two Form USM-

15   285 to Plaintiff. Plaintiff shall have twenty-one days in which to furnish the U.S. Marshal with the

16   required Form USM-285. Within twenty-one days after receiving from the U.S. Marshal a copy of the

17   Form USM-285, showing whether service has been accomplished, Plaintiff must file a notice with the

18   court identifying whether defendant was served. If Plaintiff wishes to have service again attempted on

19   an unserved defendant, a motion must be filed with the court identifying the unserved defendant and

20   specifying a more detailed name and/or address for said defendant, or whether some other manner of

21   service should be attempted. Pursuant to rule 4(m) of the Federal Rules of Civil Procedure, service

22   must be accomplished within 120 days from the date this order is entered.

23   **IT IS FURTHER ORDERED** that from this point forward, Plaintiff shall serve upon

24   Defendants, or, if appearance has been entered by counsel, upon the attorney(s), a copy of every

25   pleading motion or other document submitted for consideration by the court. Plaintiff shall include

26   with the original papers submitted for filing a certificate stating the date that a true and correct copy of

27   the document was mailed to the defendants or counsel for the Defendants. The Court may disregard

28   any paper received by a District Judge or Magistrate Judge which has not been filed with the Clerk, and

1   any paper received by a District Judge, Magistrate Judge, or the Clerk which fails to include a

2   certificate of service.

3   Dated: October 3, 2014.

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6   C.W. Hoffman, Jr.
                                        United States Magistrate Judge

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